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RULES
OF THE
CONSTITUTIONAL CONVENTION

**Formed for the Purpose of Framing a Constitution
for the Proposed**

STATE OF NEW MEXICO.

1910

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RULES OF THE CONSTITUTIONAL CONVENTION

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STATE OF NEW MEXICO.

DUTIES OF THE PRESIDENT.

1. He shall take the chair every day precisely at the hour to which the convention shall have previously adjourned and shall immediately call the members to order. There being a quorum present he shall cause the journal of the preceding day to be read.

2. He shall preserve order and decorum; speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order subject to an appeal to the convention by any member, on which appeal no member shall speak more than once unless by leave of the convention.

3. He may state a question sitting but he shall rise when stating the question for a vote.

4. Questions shall be distinctly put in this form: "Those who are of the opinion that (as the case or the question may be) say 'aye.'" If he shall have any doubt or a division shall be called for, the convention shall divide, those in the affirmative of the question shall first rise from their seats and afterwards those in the negative. If the chair still doubts or a count

of the votes be required, the president shall order the secretary to count the votes and when the same is ascertained he shall rise and state the decision of the convention.

5. The Chair shall have a general direction of the convention, he shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment and in his absence for any cause whatsoever, the convention shall proceed to elect a President protempore to act during his absence.

6. In all cases the President shall have a vote and if the convention be equally divided on any vote the question voted on shall be lost.

7. In case of any disturbance or disorderly conduct in the galleries or lobby the President or Chairman of the committee of the whole of the Convention shall have the power to cause the same to be cleared.

8. Reporters for newspapers or stenographers wishing to take down debates may be admitted within the bar of the convention by the President, who shall assign such places to them as shall not interfere with the conveniences of the convention.

THE RIGHTS AND DUTIES OF MEMBERS.

9. Members and officers of the convention are required to be constantly in attendance upon the duties of their position and leave of absence to such will only be granted by vote of the convention or by unanimous consent.

10. Whenever a member is about to speak he shall rise from his seat and respectfully address himself to "Mr. President," and the President shall announce the gentleman from the county he represents; if there be more than one member from such county then by the name of the member. The member may then speak either from his seat or from the seat of another member tendered him for the purpose, or from the Secretary's desk.

11. In all cases the member who shall first rise and address the chair shall speak first, but when two or more members shall rise at once the President shall name the member who shall speak first.

12. No member shall speak more than twice on the same subject without leave of the convention except when such convention has resolved itself into a committee of the whole, nor more than once until every member choosing to speak on the question pending shall have spoken, and he shall confine himself to the question under debate and avoid personalities.

13. Any member while discussing the question may read from books, papers or documents any matter pertinent to the subject under consideration without asking leave.

14. Any member may ask for the statement of the question, which the president may give sitting.

15. Any member may call for a division of the question and the question shall be divided if it comprehend propositions in substance so distinct that if one may be taken away a complete substantive proposition shall remain.

16. Every member present when the question is put shall vote unless the convention excuses him, and any member requesting to be excused from voting or desiring to explain his vote may make a brief verbal statement of his reasons for making such a request, and the question shall then be taken without further debate.

17. While the president or chairman is putting the question or addressing the convention no one shall walk across the hall and while a member is speaking no one shall pass between him and the chair. No person or member shall go to or remain at the secretary's table while the ayes and nays are being called or ballots counted, except the secretary and his assistant.

18. Any two members shall have the right to demand the yeas and nays upon any question before the result is announced; but if objection is made the demand shall be sus-

tained by thirty of the members present: if not sustained any member may upon request have his vote upon the question recorded upon the journal, and upon the call for yeas and nays the secretary shall call the names alphabetically.

19. Any fifteen members have the right to demand the call of the convention but if objection is made the demand shall be sustained by one-fifth of the members present and upon a call of the convention the names of the members shall be called alphabetically and the absentees noted upon the journal.

20. Any member shall have the right to demand the previous question. The previous question shall be put in the form: "Shall the main question now be put?" And until decided shall preclude all debate and all amendments and motions. All incidental questions, or question of order arising after a motion is made for the previous question and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

21. On motion for the previous question and prior to voting on same a call of the convention shall be in order, but after the demand for the previous question shall have been sustained, no call shall be in order and the convention shall be brought to an immediate vote, first upon the pending amendments in the inverse order of their age, and then upon the main question.

22. If a call for the previous question be not sustained the subject under consideration shall not thereby be postponed.

23. If any member in speaking or otherwise transgresses the rules of the convention the President shall, or any member may, call him to order, in which case the member so called to order shall immediately take his seat, unless permitted to explain and the convention shall, if appealed to, decide upon the case without debate. If there be no appeal the decision of the chair shall be final. If the decision be in favor of the member

called to order he shall be at liberty to proceed without further action.

24. Upon any division and count of the convention on any question, no member without the bar shall be counted.

DECORUM AND DEBATE.

25. When a motion is made and seconded it shall be stated by the chair, or, being in writing, it shall be handed to the chair and read aloud by the Secretary before debated.

26. Every motion made to the convention entertained by the President shall be reduced to writing on demand of any member and shall be entered on the journal with the name of the member making it unless it is withdrawn the same day.

27. When a motion has been made the President shall state it or have it put in writing on the demand of any member, cause it to be read aloud by the Secretary before being debated, and it shall then be in possession of the convention but may be withdrawn by consent of the majority of the members present at any time before a decision or amendment.

28. When a question is under debate no motion shall be received except to adjourn, to take a recess, to lay on the table, for the previous question, to postpone to a certain day or indefinitely, (which motions shall be decided without debate,) and to amend or refer, which several motions shall have precedence in the order in which they are arranged, and no motion to lay on the table, to postpone to a certain date or indefinitely, or to refer to the same committee, being decided, shall be again allowed on the same day at the same stage of the proposition.

29. No motion or proposition or any subject whatever different from that under consideration shall be admitted under the pretext of amendment.

30. When a motion has once been made and carried in the negative or affirmative, it shall be in order for any member of the majority voting thereon to move for the reconsideration thereof on the same or the next day, and such motion shall

take precedence of all other questions, except a motion to adjourn or take a recess.

31. Any file, petition, memorial, resolution or proposition referred to a standing or special committee may at any time by a majority vote be recalled for recommitment or passage or any other action of the convention.

32. When the reading of any document is called for and the same is objected to by any member, it shall be determined by a vote of the convention.

33. Petitions, memorials and other papers addressed to the convention shall be presented by the chair or by a member in his place; a brief statement of the contents thereof shall be made verbally by the introducer, and they shall not be debated on the day of their presentation unless when the convention shall direct otherwise, but shall lie on the table to be taken up in the order in which they were presented.

34. When a motion is made to commit to the committee of the whole convention or to a standing committee, it shall not be in order to amend such motion by substituting any other committee, but if any other committee shall be proposed the motion shall first be put upon the committee first named and afterwards upon the committee or committees proposed in the order in which they are called; but a motion to refer to a committee of the whole convention, to a standing committee or to a select committee shall have precedence in the order here named.

35. A motion to adjourn or to take a recess shall always be in order but being negatived shall not again be entertained until some motion, call, order or other business shall take place.

OF COMMITTEES.

36. It shall be in order for the committee on Revision and Arrangement to report at any time when the convention is not otherwise engaged.

37. All reports of committees shall be signed by the members thereof who concur therein and the report with the name of the member or members signing the same shall be read by the Secretary or from the secretary's desk by the member making the report without a motion unless the reading be dispensed with by the convention. Where the report is unanimous it may be signed by the Chairman of the committee alone: Provided any member or members of a committee may make a minority report or reports, which shall be subject to the same order as provided for majority reports.

38. Whenever any standing committee shall report to the convention any provision to be incorporated in the constitution, such provision with the report, shall be printed and lay on the table one day and a copy be furnished to each member before being considered in committee of the whole, the same to apply to minority reports.

39. No committee shall sit during the daily sessions of the convention unless by special leave.

COMMITTEE OF THE WHOLE.

40. When the committee shall be ready to proceed with the orders of the day a motion to go into committee of the whole or orders of the day shall have precedence over all other matters except to adjourn, to take a recess or for the previous question.

41. In forming the committee of the whole the president shall leave the chair and appoint a chairman who shall preside and vote as other members.

42. In the committee of the whole propositions shall be read by the chairman and considered item by item, unless otherwise directed by the committee. The body of the proposition shall not be defaced or interlined, but amendments shall be noted by the chairman or secretary upon a separate paper, as the same shall be agreed to by the committee and so reported to the convention. After being reported to the convention the

proposition or the amendments thereto by the committee of the whole shall be immediately taken up for consideration, unless it shall be otherwise ordered by the convention, and again be subject to discussion or amendments before the question to engross for final reading shall be taken.

43. The rules for proceedings in the committee of the whole shall be the same as in the convention so far as may be applicable.

44. Whenever as any entire article for incorporation in the constitution shall have been disposed of, such article, if agreed to by the convention, shall be referred by the president to the committee on revision and arrangement. The committee shall have full power to revise the language used in the various articles and to arrange the same so as to be clearly expressive of the sense of the convention and to make the article complete and consistent within itself.

45. The committee on revision having completed its revision as provided in the preceding rule, shall report each article of the constitution to the convention, when it shall be fully read, and when it is thus read the question shall be on the article so revised and amended, and if the same shall be decided in the affirmative such article shall be considered adopted. And when all the articles of the constitution shall have been thus adopted, all the articles shall be again referred to the committee on revision and arrangement to be numbered and reported back to the convention with recommendations as to the elimination of duplications and reconcilment of inconsistencies for the action of the convention thereon. The constitution as a whole shall be carefully enrolled under the supervision of the committee on revision and arrangement, and signed by the president, secretary and members of the convention who may wish to sign the same.

46. The final vote agreeing to each proposition and upon agreeing to the constitution as a whole, shall be taken by the

yeas and nays, and no such proposition nor the instrument as a whole, shall be considered as agreed to except a majority of the delegates present vote therefor.

ORDER OF BUSINESS.

47. Any provisions any member may wish to incorporate in the constitution, or submit as a separate provision to be voted on separately as a part of the constitution, shall be first introduced in the convention in writing and sent to the desk of the secretary, who shall read the same by title; it shall then be referred to the proper committee without debate, but no matter shall be incorporated in the constitution until the subject to which it relates shall have first been considered and reported upon by the committee of the whole.

48. Each article or proposition so introduced shall be printed, unless otherwise ordered by the convention, given its consecutive number of introduction and a copy thereof furnished to each member: provided, however, that any standing committee may report any matter without it being first referred to it through the convention.

49. The rules in parliamentary practice of the house of representatives of the 61st congress, as prepared by Asher C. Hines pursuant to the resolution of the house of representatives passed July 12, 1909, shall govern the convention in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of this convention.

50. No standing rule or order of this convention shall be rescinded or changed, except upon one day's notice being given of the motion therefor, nor shall any rule be suspended, except by a vote of at least two-thirds of the members present, nor shall the order of business as established by the rules of the convention be postponed or changed, except by a vote of at least two-thirds of the members present.

51. Any member desiring to amend these rules shall offer

the proposed amendment in writing, which shall be sent to the desk of the secretary to be read to the convention. The proposed amendment shall then be referred to the committee on rules without debate, and the committee on rules shall, with all convenient speed, consider and report its action on the proposed amendment to the convention.

52. These rules shall be in force from and after their adoption, and an appeal from the decision of the chair shall only be sustained by a vote of two-thirds of the members present.

53. As soon as the convention is called to order prayer may be offered and a quorum being present the journal of the preceding day shall be read by the Secretary and if necessary corrected by the convention.

54. A majority of the members of the convention shall be necessary to constitute a quorum to do business and a majority of those voting shall be sufficient to decide pending questions.

55. As soon as the journal is read and corrected as aforesaid, the president shall call for presentation of petitions and memorials.

Introduction of provisions to be incorporated in the constitution.

Reports of Standing Committees.

Reports of Special Committees.

Resolutions.

Final readings.

Business on the President's Table.

Unfinished Business.

56. When a proposed amendment, or a proposed order is laid on the table, the original question or the proposition pending shall not be held to accompany the proposed amendment or order so laid on the table.

57. There shall be no file or matter proposed to be incorporated into the constitution, introduced into the convention after the 22nd day of October, A. D. 1910. Provided, however, that no standing committee shall be precluded from introducing any such matter into the convention in its regular order at any time.

MEMBERS OF COMMITTEES.

RULES AND ORDER OF BUSINESS.

C. A. Spiess, Solomon Luna, E. A. Miera, T. B. Catron, Charles H. Kohn, H. B. Fergusson, J. H. Crist.

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Venceslao Jaramillo, E. S. Stover, Jose D. Sena, Anastacio Gutierrez, Candelario Vigil, Emmett Patton, R. W. Heflin.

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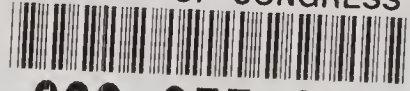
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